

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRIANNA LYNESS,

Plaintiff,

vs.

AMERICAN MULTI-CINEMA, INC.,

Defendants.

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CASE NO. 1:20-cv-02330

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §§ 1332, 1441, and 1446, Defendant, AMERICAN MULTI-CINEMA, INC., (“AMC”), removes this action from the Superior Court of Marion County, Indiana, to the United States District Court for the Southern District of Indiana, Indianapolis Division. Diversity jurisdiction exists because there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

I. INTRODUCTION

1. This lawsuit involves personal injuries that were allegedly incurred on November 24, 2019 while the Plaintiff, Brianna Lyness (“Plaintiff”) was a guest and invitee of AMERICAN MULTI-CINEMA, INC., at a theater at 10280 East Washington Street, Indianapolis, IN. A true and correct copy of Plaintiff’s state court Complaint is attached hereto as Exhibit A.

2. Plaintiff filed this civil action in state court on July 13, 2020, in the Superior Court for the County of Marion, State of Indiana, Case No. 49D01-2007-CT-022939. The Complaint did not contain any *ad damnum*. A true and correct copy of the state court docket is attached hereto as Exhibit B.

3. Thereafter, AMC served a Request to Admit on Plaintiff, asking Plaintiff to admit that she was seeking damages in an amount in excess of \$75,000.00. On September 3,

2020, Plaintiff admitted this fact. A true and correct copy of Plaintiff's Response to Request is Admit is attached hereto as Exhibit C.

4. On the date this action was filed, Plaintiff was a resident of Boone County, IN.
(Ex. A, ¶ 1)

5. On the date this action was filed, AMC was a Missouri corporation, with its principal place of business in Leawood, Kansas. A certified copy of the Business Entity Report filed with the Indiana Secretary of State is attached hereto as Exhibit D.

6. Based on the foregoing, this action is removable under 28 U.S.C. § 1441 because there is diversity of citizenship between the parties under 28 U.S.C. § 1332(a) and AMC is not a citizen of the State of Indiana.

7. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(3) because it is filed within 30 days of receipt by AMC of Plaintiff's Response to Request to Admit establishing that the amount in controversy is in excess of the minimum jurisdictional requirement of 28 U.S.C. § 1332(a).

8. The Southern District of Indiana is the United States district court for the district and division embracing the state court where this action was filed and is pending. Venue is proper in this Court under 28 U.S.C. § 391(b)(2).

9. A copy of this Notice of Removal has been served on all parties and filed with the Superior Court for the County of Marion, where this case was originally filed.

WHEREFORE, Defendant, AMERICAN MULTI-CINEMA, INC., hereby removes the above-entitled case to the United States District Court for the Southern District of Indiana.

DATED: September 8, 2020

/s/ Mary Louise Kandyba

ATTORNEY FOR DEFENDANT,
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CERTIFICATE OF SERVICE

I certify that on September 8, 2020, I electronically filed the foregoing using the Indiana E-Filing System (IEFS). I also certify that on September 8, 2020, the foregoing document was served upon the following person via IEFS:

Attorneys for Plaintiff

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/s/ Mary Louise Kandyba